

6-TA-2009#2, Text Amendment pertaining to the Downtown and related Citywide Requirements

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How to read this document.

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

Quick Reference (hyperlink):

[Changes to the Downtown District start on page 20.](#)

[Changes to the Downtown Overlay District start on page 35](#)

[Changes to the Planned Block Development Overlay District start on page 37.](#)

Section 1. Amend Subsections Sec. 1.403.I. of Sec. 1.403. Additional conditions for specific conditional uses., as follows:

I. Hospital.

1. The application shall include written proof the proposal meets all state and county regulations.
2. ~~Maximum building~~ **Building** height **maximum** shall be 75 feet. **(exclusive of roof top appurtenances).**
3. A minimum of 24 percent of the net lot area shall be provided in open space.
 - a. A minimum of three-quarters of the total open space requirement shall be provided as frontage open space to provide a setting for the building, visual continuity within

the community and a variety of spaces in the streetscape. The frontage open space shall not be required to exceed 50 square feet per 1 foot of public street frontage and shall not be less than 30 square feet per 1 foot of public street frontage.

- b. The remainder of the required open space shall be provided in common open space.
- 4. Yards. When the height of the building exceeds 60 feet the following yard requirements shall apply. If building height is less than 60 feet the district yard requirements shall apply.
 - a. Side Yard.
 - i. A side yard of not less than 100 feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The 100 feet may include the width of the alley.
 - ii. A side yard of not less than 75 feet shall be maintained where the side lot abuts a multiple-family residential district. The 75 feet may include any alley adjacent to the multiple-family residential district.
 - b. Rear Yard.
 - i. A rear yard of not less than 100 feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The 100 feet may include the width of the alley.
 - ii. A rear yard of not less than 75 feet shall be maintained where the rear lot abuts a multiple-family residential district or abuts an alley which is adjacent to the multiple-family residential district. The 75 feet may include the width of the alley.

Section 2. Amend Subsections 1.403.K of Sec. 1.403. Additional conditions for specific conditional uses., as follows:

Sec. 1.403. Additional conditions for specific conditional uses.

K. Live entertainment.

1. Additional criteria:

~~1. The site plan shall demonstrate that:~~

- ~~a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.~~
- ~~b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.~~

- 2a. ~~The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.~~ The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
- 3b. ~~The applicant has provided and obtained City approval of a written public safety plan.~~ The applicant has provided written evidence that sound resulting from indoor live entertainment activities will be contained within the building, except where external speakers are permitted as part of the Conditional Use Permit approval to broadcast the live entertainment performance.
- 4c. The applicant has provided a written lighting plan which that addresses exterior lighting on and surrounding the property, in accordance with Section 7.600 Article VII. of the Zoning Ordinance and with the public safety plan guidelines Security and Maintenance Plan requirements.
5. ~~The applicant shall provide and obtain City approval of a written exterior refuse control plan.~~
- 6d. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include including but are not limited to patron dancing areas and/or stages for performances.
- 7e. ~~If access to the establishment is from a street other than 1 classified by the Transportation Master Plan as minor collector or greater, or if the establishment is located within the Downtown Area and access to the establishment is located on a street classified by the Transportation Master Plan as local street or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate the level of service on all streets accessed by the use meets the City's standards.~~ If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
- 8f. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a parking study which complies with the City's written guidelines requirements.
- 9g. ~~The owner applicant has provided~~ shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
- 10h. The following operational standards must be met by the use throughout its operation: owner and operator during the live entertainment use:
- a. Establishment with interior live entertainment shall have All external building opening, such as doors, windows, and movable wall panels (glass, solid, or combination thereof) shall be closed but not locked during business hours. during

performances and practices of the live entertainment. Incidental opening of building openings to allowing the entrance and exit of an employee or patron, and the passage deliverable items through a window to an employee to serve patron shall be allowed.

- bii. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use permitted under this section, which is located within 500 feet of a residential district.
- ciii. The applicant/operator/owner and operator shall comply with all plans approved as provided herein part of the Conditional Use Permit.
- div. All patron entrances shall be well lit and clearly visible to patrons from the parking lot or a public street.
- v. Noise generated from the live entertainment activities shall not exceed the levels that are considered unreasonable, in accordance with Scottsdale Revised Code, at least 100 feet away from the business.

Section 3. Amend Subsections Sec. 1.403.R. of Sec. 1.403. Additional conditions for specific conditional uses., as follows:

R. Residential health care facility.

1. Specialized residential health care facilities, without Downtown District zoning.
 - a. The number of beds shall not exceed 80 per gross acre of land, gross lot area.
 - b. A minimum of 24 percent of the net lot shall be provided in meaningful open space.
 - i. A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed 50 square feet per 1 foot of public street frontage and shall not be less than 20 square feet per 1 foot of public street frontage.
 - c. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.
2. Specialized residential health care facilities, with the Downtown District zoning.
 - a. The number of beds shall not exceed 100 per gross lot area.
23. Minimal residential health care facilities, without Downtown District zoning.
 - a. The gross lot area shall not be less than 1 acre.
 - b. The number of units shall not exceed 40 dwelling units per gross acre of land.

- c. A minimum of 24 percent of the net lot shall be provided in meaningful open space.
 - i. A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed 50 square feet per 1 foot of public street frontage and shall not be less than 20 square feet per 1 foot of public street frontage.
- d. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.

4. Minimal residential health care facilities, with Downtown District zoning.

- a. The gross lot area shall not be less than 1 acre.
- b. The number of units shall not exceed 50 dwelling units per gross lot area.

Section 4. Amend Sec. 1.501. Municipal use master site plans approval process., as follows:

Sec. 1.501. Municipal use master site plans approval process.

~~All municipal uses on parcels greater than one acre in size shall receive City Council approval of a master site plan prior to Development Review Board approval of such municipal use. Prior to City Council approval, the Planning Commission and the appropriate board or commission as determined by the Zoning Administrator~~ Development Review Board shall review and make a recommendation to the City Council regarding the a proposed municipal use master site plan for any site larger than one acre.

Section 5. Amend Section 1.900. DEVELOPMENT REVIEW BOARD., as follows:

Sec. 1.900. ~~DEVELOPMENT REVIEW BOARD~~ Development Review Board.

Section 6. Amend Section 1.902. Powers of the Development Review Board., as follows:

Sec. 1.902. Powers of the Development Review Board.

- A. The Development Review Board ~~shall have the power~~ has authority to approve, conditionally approve, or disapprove all applications for development review and make recommendations on municipal site plans and on public art (as required in Section 1.905.C) basing its decision on the criteria as set down in Section 1.904 and, where applicable, the consistency of plats with the purposes of the ESL regulations in Section 6.1011. Decisions of the Development Review Board are subject to City Council review or appeal. :

- 1. Approve, approve with stipulations, or deny:

- a. Applications for development review;
- b. Development standard modifications only as set forth in the districts where the Development Review Board is specifically authorized;
- c. Applications for the location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program;

2. Make recommendations to the Planning Commission and City Council on:

- a. Municipal use master site plans;
- b. Design and development elements of development plans associated with an application for a zoning district map amendment or conditional use permit;

3. Adopt by resolution:

- a. Design policies and guidelines that support the character and design goals and policies of the General Plan;
- b. The Design Standards and Policies Manual; and

4. Hear appeals from the administrative design decisions of the Zoning Administrator's approval of a minor development application.

~~B. It shall be the responsibility of the applicant to prove that the intent and purpose established in Section 1.901 will be accomplished.~~

~~CB. The Development Review Board, upon hearing an application, may impose such reasonable conditions stipulations as it may deem necessary in order to fully carry out the provisions and intent of this ordinance to provide compatible development with adjacent properties, preserve neighborhood character or mitigate adverse environmental impacts. Violation of any such conditions stipulations shall be a violation of this ordinance and such violation shall render any related permit null and void.~~

C. The Development Review Board may continue any matter to a later date.

D. Prior to the development, construction, remodel, change or alteration of any proposed or existing development within a zoning district that is subject to development review, the property owner or agent shall secure approval of the Development Review Board.

E. The Development Review Board does not have authority to interpret, or grant variances from, the provisions of the Zoning Ordinance or the Scottsdale Revised Code.

Section 7. Amend Section 1.903. Organization., as follows:

Sec. 1.903. Organization.

A. There is hereby created a Development Review Board.

A1. The Development Review Board shall consist of seven (7) members. The membership shall consist of a City Council member; a Planning Commission member; five (5) public

members, three ~~(3)~~ of whom shall be architects, landscape architects, environmental scientists or persons otherwise qualified by design background training, or experience; and two ~~(2)~~ of whom shall be land developers, builders, or contractors.

- ~~B2.~~ The five ~~(5)~~ public members of the Development Review Board shall be appointed by the City Council. The length and term and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The City Council member and the Planning Commission member shall serve three-month revolving terms. The five ~~(5)~~ public members shall serve without compensation.
- ~~C3.~~ The Development Review Board may adopt by-laws and rules that are consistent with the Scottsdale Revised Code as it deems necessary for matters relative to its work and administration of its duties.

Section 8. Amend Sec. 1.904. Criteria., as follows:

Sec. 1.904. Criteria.

- A. In considering any application for development review ~~approval~~, the Development Review Board shall be guided by the following criteria:
 - ~~A1.~~ The Board shall examine the application to insure that all provisions of this ordinance and all other ordinances, master plans, General Plans and standards of the City of Scottsdale shall be complied with where applicable. The Board shall examine the application for consistency with the design and development elements of the applicable guidelines, development standards, master plans and the character and design element of the General Plan
 - ~~B.~~ The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.
 - ~~C2.~~ The architectural character, landscaping and site design of the proposed development shall: ~~promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.~~
 - a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;
 - b. Avoid excessive variety or monotonous repetition;
 - c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;
 - d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and

- e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.
- ~~D. The height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.~~
- E3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.
- ~~F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.~~
- G4. All If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.
- ~~H. The architectural character of a development shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling.~~
- ~~I. Within the environmentally sensitive land (ESL) district, the site planning, landscaping, and all buildings and structures, except single family detached homes, shall be designed and reviewed in accordance with the recommendations and guidelines in the environmentally sensitive lands ordinance, Section 6.1010.~~
- ~~J. Within the H-P district, special cognizance shall be taken of any unique or characteristic architectural features, including, but not limited to, building height, size, shape, color, texture, setback or architectural detail.~~
- ~~K. Within the downtown district, building designs shall reflect the urban character and pedestrian orientation of the area.~~
- ~~L. Within the downtown district, building designs shall reflect traditional or southwestern design vernaculars, break the overall massing into smaller elements, express small scale detailing, and recess fenestrations.~~
- ~~M. Within the Downtown Area, building and site design shall incorporate sensitive architectural design and landscape design solutions to address building mass, height, materials, and intensity transitions between adjacent/abutting Type 1 and Type 2 properties, as designated by the Downtown Plan, and adjacent/abutting Type 2 properties and existing development that is beyond the Downtown Area boundary. Within the downtown district, the Board shall review projects for conformance with specific design guidelines embodied in administrative regulations, as authorized by the Zoning Administrator.~~
- 5. Within the Downtown Area, building and site design shall:

- a. Demonstrate conformance with the Downtown Plan Urban Design & Architectural Guidelines;
- b. Incorporate urban and architectural design that address human scale and incorporate pedestrian-oriented environment at the street level;
- c. Reflect contemporary and historic interpretations of Sonoran Desert architectural traditions, by subdividing the overall massing into smaller elements, expressing small scale details, and recessing fenestrations;
- d. Reflect the design features and materials of the urban neighborhoods in which the development is located; and
- e. Address building mass, height, materials, and intensity transitions between adjacent/abutting Type 1 and Type 2 Areas, and adjacent/abutting Type 2 Areas and existing development outside the Downtown Area.

6. The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria:

- a. Accessibility to the public;
- b. Location near pedestrian circulation routes consistent with existing or future development or natural features;
- c. Location near the primary pedestrian or vehicular entrance of a development, if the location is not within the interior of a building;
- d. Location within ~~the primary entrance foyer or atrium accessible to the public, if the location is within the interior of a building;~~ an exterior pedestrian area;
- e. Location in conformance with the Design Standards and Policies Manual for locations affecting existing utilities, public utility easements, and vehicular sight distance requirements; and
- f. Location in conformance to standards for public safety.

7. Development Plans and Master Design Concept Plans:

- a. The design and development guidelines and themes are consistent with the City's General Plan, applicable character plan, Sensitive Design Principles, the Design Standards and Policies Manual and respond to the contextual area and promote compatibility with the southwest Sonoran desert environment.

B. The burden is on the applicant to address all applicable criteria in this section.

Section 9. Amend Section 1.905. Findings., as follows:

Sec. 1.905. Findings.

- A. The Development Review Board may approve, ~~with or without conditions~~ or approve with stipulations, a development or portion thereof, if it finds the development application complies with ~~all provisions of master plans and the General Plan where applicable. the~~ criteria in this Article and applicable design chapters of the character plans, master plans, design guidelines and the Design Standards and Policies Manual.
- ~~B. The Development Review Board may deny a total development, or a portion of a development if they find that any conditions of this Article, the General Plan, or the development policies and standards of the City of Scottsdale have not been complied with.~~
- ~~C. B. The Development Review Board shall recommend to the Scottsdale Cultural Council approval, conditional approval or denial of public art applications. These recommendations shall be limited to the site plan and setting as it pertains to existing ordinances and compatibility with the overall design theme of the city building, project or right of way. The Development Review Board may approve or approve with stipulations, the location of artwork that is provided in accordance with the Cultural Improvement Program or Public Art Program, if it finds the location addresses the criteria in this Article.~~

Section 10. Add Section 1.906. Additional findings in the Downtown Area., as follows:

Sec. 1.906. Additional findings in the Downtown Area.

- A. In addition to the findings of Section 1.905. for all development in the Downtown Area, the Development Review Board may approve, or approve with stipulations, a development or portion thereof, if it finds that the development application:
 - 1. Is in substantial conformance with the applicable design elements of the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines; and
 - 2. Incorporates building(s) compatible with the urban form, human scale, design features, and materials of the urban neighborhoods within which the development is located; and
 - 3. Incorporates site design elements, within the design of public and primary pedestrian access areas, that promote pedestrian character and comfort through the use of microclimatic design, and shade, that is appropriate for the Sonoran Desert climate.
- B. In addition to the findings of Section 1.906.A. for all development in the Downtown Area, the Development Review Board may approve, or approve with stipulations, a development or portion thereof, if it finds that the development application offers sensitive architectural, site, and landscape design solutions to address transitions of building mass, height, intensity and complementary material to adjacent/abutting properties and properties beyond the Downtown Area, for:

1. Development within 100 feet of a property within a Downtown Plan Type 1 Area, and
2. Development within 350 feet of a property beyond the Downtown Area.

Section 11. Amend Section 1.907. Appeals of Development Review Board decisions., as follows:

Sec. 1.907. Appeals of Development Review Board decisions.

- ~~A. The approval, with or without conditions, or denial by the Development Review Board of an application shall be final unless within twenty (20) days from the date of the Board's decision the applicant shall appeal the decision in writing to the City Council. Such appeal shall be submitted to the City Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The appeal shall be processed pursuant to Section 1.907.C.~~
- ~~B. The City Council shall have the right and prerogative to initiate its own review of any decision of the Development Review Board and shall uphold, modify or over rule said decision. Notice of such council initiated review of any decision of the Development Review Board shall be given to the applicant by the City Clerk within twenty (20) days after action upon the application in question or the decision of the Development Review Board shall be deemed to be final and binding upon the City of Scottsdale. Such notice shall be considered the first City Council hearing held regarding the appeal. The second City Council hearing held regarding the appeal shall be processed pursuant to Section 1.907.C.~~
- ~~C. The City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) nor less than fifteen (15) days following submittal of the appeal. The City Council at its meeting, shall uphold, modify, or over rule the decision of the Development Review Board. The decision of the City Council shall be final.~~

A. The Development Review Board's decision shall be final unless:

1. Within 20 days after the Board's decision, the applicant submits to the City Clerk a written appeal of the Board's decision; or
2. At the next regularly-scheduled City Council meeting at least 15 days after the Board's decision, the City Council votes to review the Board's decision.

B. The applicant's appeal of the Development Review Board decision shall include a statement of the grounds of the appeal, and the relief requested.

C. City Council initiation of a review of a Development Review Board decision.

1. At the next regularly-scheduled City Council meeting at least 15 days after the Board's decision, the City Council shall decide by majority vote of those present whether to review a Development Review Board decision.
2. Within 5 days after the City Council votes to review the Development Review Board decision, the Zoning Administrator shall notify the applicant of the date and time of the City Council meeting to review the Board's decision.

D. City Council review of a Development Review Board decision.

1. The City Clerk shall schedule the applicant's appeal, or the City Council review, of a Development Review Board decision on the next regularly-scheduled City Council meeting at least 30 days after the appeal or City Council vote to review.
2. The City Council at its meeting, shall affirm, modify, or reverse the decision of the Development Review Board. The decision of the City Council shall be final.

Section 12. Amend Section 1.906. Zoning Administrator review of minor applications., as follows:

Sec. 1.906. Zoning Administrator review of minor development review applications.

A. The Zoning Administrator shall have the authority to approve minor development applications ~~to the Development Review Board~~. The Zoning Administrator shall have the discretion to determine if a development application is minor. Minor applications may include, but not be limited to:

- A1. Exterior finish and color changes;
- B2. Minor additions;
- C3. ~~Landscaping~~ Landscape improvements;
- D4. Signs;
- E5. Site plan revisions; ~~and/or~~
- F6. Satellite receiving earth stations in excess of one (1) meter in diameter in all districts; ~~and/or~~
- G7. Type 1 and ~~€~~ Type 2 wireless communications facilities, subject to ~~Section 7.200 H.~~ Article VII.,

which do not result in a reduction of any development standard and do not significantly alter the character established with the original Development Review Board, or wireless communications facility user guidelines, or other necessary approvals. ~~Appeals filed by the applicant of conditions of administrative approvals or administrative denials of minor cases shall be heard by the Development Review Board.~~

Section 13. Add Section 1.909. Appeals of Zoning Administrator actions on minor development applications., as follows:

Sec. 1.909. Appeals of Zoning Administrator actions on minor development review applications.

- A. The approval, approval with stipulations, or denial of a minor development application by the Zoning Administrator shall be final unless, within 20 days after the date of the approval or denial letter, the applicant files an appeal of the action in writing to the Zoning Administrator. The appeal shall include a statement of the grounds of the appeal, and the relief requested.
- B. The Zoning Administrator shall schedule an appeal to the Development Review Board on the second regularly-scheduled Development Review Board meeting after the appeal has been filed.
- C. The Development Review Board at its meeting, shall affirm, modify, or reverse the decision of the Zoning Administrator.

Section 14. Amend Sec. 1.908. Expiration of approval., as follows:

Sec. 1.90810. Expiration of approval.

- ~~1~~ A. ~~The approval of plans for development shall expire and become null and void one (1) year from the date of approval, providing that if a building permit has not been issued, unless a different time period is made a condition of Development Review Board approval. If a building permit has not been issued, development plans expire two years after approval by the Development Review Board or Zoning Administrator unless the Development Review Board or Zoning Administrator specifies a different time period.~~
- ~~2B.~~ A one time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void. The Zoning Administrator may grant one extension of up to one year for a Development Review Board approval, if the applicant files a written request for an extension with the Zoning Administrator before the approval expires.
- C. The Zoning Administrator may grant one extension of up to one year for a minor development application approval, if the applicant files a written request for an extension with the Zoning Administrator before the approval expires.

Section 15. Amend Sec. 1.909. Enforcement., as follows:

Sec. 1.90911. Enforcement.

A. A building permit shall be issued only if:

1. The plans presented for the building permit are in conformance with the plans that were approved by the Development Review Board or Zoning Administrator, and
2. All applicable time limits have been met not expired.

B. ~~The Zoning Administrator shall insure that all matters approved by the Development Review Board are undertaken and completed according to the approval of the Development Review Board and is hereby authorized to cause to be stopped any work attempted to be done without or contrary to the approval of the Development Review Board and may issue civil complaint pursuant to Section 1.1304.~~ The Zoning Administrator is responsible for enforcing the Zoning Ordinance, and all conditions and stipulations related to approvals of development applications. In addition to other enforcement mechanisms, a stop work order may be issued.

Section 16. Amend Sec. 3.100. General., to add the terms to the existing definitions in alphabetical order, and to amend existing definitions, as follows:

Sec. 3.100. General.

~~Balcony shall mean that portion of a building which projects into the required yard and where the floor height of said projection is not less than four (4) feet above grade.~~

Balcony is a platform projected from a building with a floor height above grade.

Building envelope is the volume of space on a property occupied by a building, regulated by the building height, setback, stepback, yard, and other provisions of the Zoning Ordinance.

Building façade is the side(s) of a building facing a street.

Building façade length is a measurement of the building façade in a straight line from the farthest corners of the building.

~~Building, height, of shall mean is~~ the vertical distance measured from a point of reference elevation established twelve (12) inches above the average elevation at the top of the curb of the street or streets adjacent to the property, or to the top of the crown of the roadway or roadways, if there is no curb, to the highest point of the coping of a flat roof, or to the highest point of a mansard roof or to the highest gable of a pitch or hip roof. In cases where drainage considerations supersede this ordinance, the point of reference elevation would be subject to the approval of the city engineer Floodplain Administrator.

Building height maximum is the distance from 12 inches above the average top of the curb of the street(s) adjacent to the property (or if there is no curb, from the average crown of the street(s) adjacent to the property), to the highest point of the highest structure on the building. Where drainage considerations supersede this ordinance, the point from which the distance is measured is subject to the approval of the Floodplain Administrator.

Building valuation is the appraisal determined by the Building Official and based on the building valuation data published by the International Conference of Building Officials.

Cost of artwork is the actual, direct cost of creating and installing artwork, including artist fees to create the artwork, transportation of the artwork to the site, and installation materials and labor. Cost of artwork does not include incidental costs to the artist or laborers such as food, lodging and travel costs.

Cultural Improvement Program is the program established by this Zoning Ordinance.

Cultural institution is a library or museum, open to the public, for improving access to excellence in the arts and sciences.

Curb is the edge of a street, following the curves of the street for bus bays, turn lanes, parking areas and changing directions.

Curb, back of is the edge of the curb farthest from the centerline of the street.

Development means is the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the installation of public artwork provided in accordance with the Cultural Improvement Program or Public Art Program, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of watercourse.

Downtown Area is the area described of the City that is within the downtown boundary delineated by the Downtown Future Land Use Map that is in the Downtown Plan.

Downtown Boundary is the designated outline of the Downtown Area.

Downtown Plan is the plan, and any amendments, adopted by the City Council.

Downtown Plan Urban Design & Architectural Guidelines are the design guidelines, and any amendments, for the Downtown Area, approved by the Development Review Board.

Green Building Program is the program, and any amendments, adopted by the City Council to encourage design and building techniques that minimize environmental impact, reduce the energy consumption and contribute to the public health, and the program's associated building codes and policies.

Gross floor area ratio (GFAR) is the ratio of non-residential floor area to the gross lot area.

Live entertainment is a use which includes but is not limited to disc jockey, live bands, comedians, theaters for the performing arts and other forms of entertainment which include live performances at a commercial establishment, provided that the following shall not be considered live entertainment for purposes of this ordinance: (1) adult use live entertainment establishments which are subject to the requirements of section 1.403.A of this ordinance; (2) performances by one (1) or two (2) performers with no voice or instrument amplification; (3) incidental modeling of clothing and/or singing by employees of the establishment, for which no additional floor area is required any live performance, excluding the following:

- a. Adult uses;
- b. One or two performers without electronic amplification;
- c. Incidental modeling of clothing and/or singing by employees or patrons, for which no additional floor area is required;
- d. Disc jockey (DJ) that plays recorded music, but does not perform for the audience;
- e. Karaoke;
- f. Performances at a place of worship; or
- g. Indoor performances at an educational service, place of worship, or travel accommodation.

Old Town Design District Area is area within the Downtown Area described in the Downtown Plan Urban Design & Architectural Guidelines.

Parking structure is an above-ground or underground structure used for parking vehicles.

Parking structure, above-ground is a structure of two or more levels, starting at or above ground level.

Parking structure, underground is a structure of one or more levels, fully below ground level, except for the ramp into the parking structure.

Personal care service is a service such as, a barber, beauty shop, dry cleaning, massage parlor, nail salon, tanning salon, or tattoo parlor.

Podium parking is one level of vehicle parking at ground level or partially below ground level, on 50 percent or more of the ground level of a habitable building, with a building or open space above the parking.

Public Art Program is the program established by Scottsdale Revised Code, Chapter 20.

Rooftop appurtenances are the structures, equipment and screening on the top of a building, including utility penthouses, elevator penthouses and other non-habitable structures.

Sensitive Design Principles is the document, and any amendments, adopted by the City Council.

Stepback plane is the imaginary surface of the building envelope that angles toward the interior of a property at a specified vertical to horizontal ratio.

Street, public is a right-of-way dedicated to the public.

Structural roof element is the highest part of the building's structure that supports the building's roof.

Transportation Master Plan is the plan, and any amendments, adopted by the City Council.

Tuck-under parking is vehicle parking on less than 50 percent of the ground level of a habitable building.

Type 1 Area is the area of the Downtown Area that is described by the Downtown Plan as Type 1.

Type 2 Area is the area of the Downtown Area that is described by the Downtown Plan as Type 2.

~~Work/live is a predominantly commercial use that is in combination with an ancillary residential use(s), including pedestrian or vehicular traffic and may have employees~~ commercial use with an accessory residential use. The commercial use may have employees, and may generate pedestrian and vehicular traffic.

Section 17. Amend Section Sec. 4.100., subsections, and table therein, of Sec. 4.100. DIVISION OF CITY INTO DISTRICTS; ENUMERATION., as follows:

Sec. 4.100. ~~DIVISION OF CITY INTO DISTRICTS; ENUMERATION.~~ Division of City into Districts; Enumeration.

In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and other open areas around and between the buildings and structures and to regulate the density of dwelling units, the city is hereby divided into the following districts:

A. Residential Districts:

Table 4.100.A. Residential Districts	
R1-190	Single-family Residential—190,000 square feet per lot
R1-130	Single-family Residential—130,000 square feet per lot
R1-70	Single-family Residential—70,000 square feet per lot
R1-43	Single-family Residential—43,000 square feet per lot
R1-35	Single-family Residential—35,000 square feet per lot
R1-18	Single-family Residential—18,000 square feet per lot
R1-10	Single-family Residential—10,000 square feet per lot
R1-7	Single-family Residential—7,000 square feet per lot
R1-5	Single-family Residential—4,700 square feet
R-2	Two-family Residential
R-3	Medium Density Residential
R-4	Townhouse Residential
R-4R	Resort/Townhouse Residential
R-5	Multiple-family Residential
M-H	Manufactured Home

B. Commercial Districts:

Table 4.100.B. Commercial Districts	
S-R	Service-Residential

C-S	Regional Shopping Center
C-1	Neighborhood Commercial
C-2	Central Business
C-3	Highway Commercial
C-4	General Commercial
SS	Support Services
C-O	Commercial Office
PCoC	Planned Convenience Center
PNC	Planned Neighborhood Center
PCC	Planned Community Center
PRC	Planned Regional Center
D	Downtown
PBD	Planned Block Development
P	Pedestrian Overlay

C. Industrial Districts:

Table 4.100.C. Industrial Districts	
I-G	Light Employment
I-1	Industrial Park

D. Mixed-use Districts:

Table 4.100.D. Mixed-use Districts	
D	Downtown
P-C	Planned Community
PCP	Planned Commerce Park
PUD	Planned Unit Development

E. Supplementary Districts:

Table 4.100.E. Supplementary Districts	
P-1	Parking P-1; Passenger Vehicle Parking, Limited
P-2	Parking P-2; Passenger Vehicle Parking

P-3	Parking P-3
P-4	Parking P-4
PRD	Planned Residential Development
W-P	Western Theme Park
OS	Open Space
H-P	Historic Property
COS	Conservation Open Space
ESL	Environmentally Sensitive Lands
SC	Special Campus
F-O	Foothills Overlay
DO	Downtown Overlay
PBD	Planned Block Development

Section 18. Repeal Sections Sec. 5.3000 through Sec. 5.3090, and adopt the following:
 [This repeals the D District, Pedestrian Overlay District, PBD Overlay District, Cultural Improvement Program and Bonus/incentive provisions.]

Sec. 5.3000. Downtown District (D).

Sec. 5.3001. Purpose.

A. The purpose of the Downtown District is to identify land use sub-districts and formulate appropriate development standards to implement the Downtown Plan and the Downtown Plan Urban Design & Architectural Guidelines. Specific objectives of the Downtown Plan that these regulations implement are to:

1. Preserve and protect the character of the diverse collection of vibrant mixed-use pedestrian-oriented urban neighborhoods;
2. Incorporate contextually sensitive planning, architecture and urban design;
3. Promote sustainability with sensitivity to the Sonoran desert environment;
4. Promote arts and culture;
5. Establish and enhance connectivity in and around the Downtown Area and urban neighborhoods, focusing on walkability and other modes of transportation;
6. Support economic vitality through public-private participation; and

7. Continue to have Downtown Scottsdale recognized as a premier destination.

Sec. 5.3002. Applicability.

The Downtown District shall only be applied to property within the Downtown Area.

Sec. 5.3003. Approval required.

Any development in the Downtown District is subject to the Development Review Board approval as described in Article I.

Sec. 5.3004. Downtown District sub-districts.

The Downtown Plan shows the following sub-districts on the Downtown Plan's Future Land Use map:

1. Downtown Core – Type 1 (D/DC-1),
2. Downtown Civic Center – Type 2 (D/DCC-2),
3. Downtown Medical – Type 2 (D/DM-2),
4. Downtown Multiple Use – Type 2 (D/DMU-2), and
5. Downtown Regional Use – Type 2 (D/DRU-2).

Sec. 5.3005. Use regulations.

- A. Changes to properties after July 1, 2012 shall comply with the regulations of the sub-districts shown in Table 5.3005.A.

Table 5.3005.A., Sub-districts after July 1, 2012	
Sub-district before July 1, 2012	Sub-district after July 1, 2012
Retail Specialty (RS)	Downtown Core (D/DC)
Office/Commercial (OC)	Downtown Multiple Use (D/DMU)
Office/Residential (OR)	Downtown Multiple Use (D/DMU)
Regional Commercial Office (RCO)	Downtown Regional Use (D/DRU)
Residential/Hotel (RH)	Downtown Multiple Use (D/DMU)
Medical (M)	Downtown Medical (D/DM)
Civic Center (CC)	Downtown Civic Center (D/DCC)
Residential High Density (RHD)	Downtown Multiple Use (DMU)

- B. Drive-through and drive-in services are not permitted in the Downtown Area.
- C. Temporary buildings, structures and mobile vendors are only allowed on a property as accessory to construction work on the property, and shall be promptly removed upon completion of construction work or the Zoning Administrator's request.
- D. The land uses for each of the sub-districts are shown in Table 5.3005.D.

Table 5.3005.B., Land Uses for Each Sub-district of the Downtown District					
<ul style="list-style-type: none"> • P — is a permitted use. • P^(#) — is a permitted use with limitations described in the notes (P^(#)) following Table 5.3005.B. • CUP — is a use subject to a Conditional Use Permit. 					
Land use	Downtown Core (DC) Sub-districts	Downtown Civic Center (DCC) Sub-district	Downtown Medical (DM) Sub-district	Downtown Multiple Use (DMU) Sub-district	Downtown Regional Use (DRU) Sub-district
Adult use				CUP	CUP
After hours establishment				CUP	CUP
Ambulance service			P		
Bar	CUP	CUP		CUP	CUP
Big box					P
Civic and social organization		P		P	P
Cultural institution	P	P	P	P	P
Day care center			P	P	
Dwelling unit	P ⁽¹⁾	P	P	P	P
Educational service— elementary and secondary school	P ⁽²⁾		P	P	P
Educational service— other than elementary and secondary school					CUP
Financial institution	P		P	P	P
Funeral home and funeral service				CUP	CUP
Game center and/or pool hall				CUP	CUP
Health and fitness studio			P	P	P

**Table 5.3005.B., Land Uses
for Each Sub-district of the Downtown District**

- P — is a permitted use.
- P^(#) — is a permitted use with limitations described in the notes (P^(#)) following Table 5.3005.B.
- CUP — is a use subject to a Conditional Use Permit.

Land use	Downtown Core (DC) Sub-districts	Downtown Civic Center (DCC) Sub-district	Downtown Medical (DM) Sub-district	Downtown Multiple Use (DMU) Sub-district	Downtown Regional Use (DRU) Sub-district
Helipad			P		CUP
Hospital			P	P	P
Live entertainment	CUP	CUP		CUP	CUP
Medical diagnostic laboratory			P	P	P
Multimedia production				CUP	CUP
Municipal use	P	P	P	P	P
Outdoor display	CUP	CUP	CUP	CUP	CUP
Office	P ⁽²⁾	P	P	P	P
Personal care service	P	P	P	P	P
Pet care service				P ⁽⁴⁾	P ⁽⁴⁾
Place of worship	P ⁽²⁾			P	P
Residential health care facility (minimal and specialized)			P	CUP	P
Restaurant	P	P	P	P	P
Retail	P	P	P	P	P
Theater	P ⁽³⁾	P ⁽³⁾		P ⁽³⁾	P ⁽³⁾
Travel accommodation		P	P	P	P
Public utility buildings, structures or appurtenances thereto for public service uses			CUP	CUP	CUP

**Table 5.3005.B., Land Uses
for Each Sub-district of the Downtown District**

- P — is a permitted use.
- P^(#) — is a permitted use with limitations described in the notes (P^(#)) following Table 5.3005.B.
- CUP — is a use subject to a Conditional Use Permit.

Land use	Downtown Core (DC) Sub-districts	Downtown Civic Center (DCC) Sub-district	Downtown Medical (DM) Sub-district	Downtown Multiple Use (DMU) Sub-district	Downtown Regional Use (DRU) Sub-district
Vehicle leasing, rental, and sales				CUP	CUP
Veterinary service			P ⁽⁴⁾	P ⁽⁴⁾	P ⁽⁴⁾
Wireless communication facility		P ^(5, 6)	P ^(5, 6)	P ^(5, 6)	P ^(5, 6)
Work/live	P	P	P	P	P

Limitations on uses:

1. A dwelling unit shall not occupy more than 35 percent of the first-floor area. This provision applies to all properties south of East Indian School Road, and all properties abutting North Marshall Way north of East Indian School Road.
2. The use shall not occupy more than 35 percent of the first-floor area. This provision applies to all properties south of East Indian School Road, and all properties abutting North Marshall Way north of East Indian School Road, and East 5th Avenue.
3. A theater with live entertainment is subject to a Conditional Use Permit.
4. All facilities are within a soundproof building. However, outdoor activities are permitted if:
 - a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.
 - b. The owner/operator maintains all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least 100 feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
5. Refer to Article VII.
6. A Type 4 wireless communication facility is subject to a Conditional Use Permit.

Sec. 5.3006. Property development standards.

- A. *Properties zoned Type 1.5 before July 1, 2012.* Changes to properties zoned Type 1.5 after July 1, 2012 shall comply with the regulations of the Multiple Use – Type 2 Sub-district.
- B. *Density.* Maximum: 50 dwelling units per acre of gross lot area.
- C. *Gross Floor Area Ratio (GFAR).* Maximum: 1.3. However, for property that meets the bonus provisions of this district, the maximum is as provided in Section 5.3008, but shall not exceed 2.0.

D. Maximum building height.

- 1. The maximum building height is shown in Table 5.3006. D., except as provided in Subsection 5.3006.D.2.

Table 5.3006.D. Building Height Maximum	
Sub-district and Development Type	Building Height Maximum ¹
Downtown Core - Type 1 within Old Town Design District Area	40 feet
Downtown Core – Type 1 Outside of the Old Town Design District Area	48 feet
Downtown Civic Center – Type 2 Downtown Multiple Use – Type 2	66 feet ²
Downtown Medical – Type 2 Downtown Regional Use – Type 2	84 feet ²
Note: 1. (Includes roof top appurtenances). 2. See Subsection 5.3006.D.2.	

- 2. In a Type 2 Area, the building height of a hotel constructed before July 1, 2012 shall not exceed 72 feet to the structural roof element. However, non-habitable structures may exceed the structural roof element by 18 feet, but are limited to 10 percent of the ground area covered by the hotel building to which the non-habitable structure(s) is attached.
- 3. The additional height regulations of Article VII. shall not apply.

E. Setbacks from public streets, except alleys.

- 1. The minimum setback from public streets (except alleys) is shown in Table 5.3006. E. The setback is measured from the back of curb.

Table 5.3006.E. Minimum Setback for Buildings Adjacent to Public Streets, except alleys	
Street	Minimum Building Setback
Public streets in the Old Town Design District Area, not including North Scottsdale Road and East Indian School Road	14 feet
Public streets in Type 1 Areas, not including public streets in the Old Town Design District Area, North Scottsdale Road, East Indian School Road and North Goldwater Boulevard	16 feet
North Drinkwater Boulevard and North Goldwater Boulevard	30 feet
East Indian School Road	30 feet
East Camelback Road	40 feet
North Scottsdale Road north of the Arizona Canal	40 feet
All other public streets and public street segments	20 feet
Note: See the Downtown Plan Urban Design & Architectural Guidelines for locations of the public streets and setbacks above.	

2. The adjustment of front yard requirements in Article VII. does not apply.

F. *Setbacks from major intersections.*

1. On each corner of the intersection of two arterial streets, as described in the Transportation Master Plan, (except as provided below), the owner shall provide at least 2,500 square feet of open space at ground level and up to 30 feet in height. The open space shall be located within 70 feet of the intersection of the property lines at the corner.
2. No open space is required at the following intersections:
 - a. North Drinkwater Boulevard and North Scottsdale Road.
 - b. North Goldwater Boulevard and North Scottsdale Road south of East 2nd Street.

G. *Setbacks from Single-family Residential districts (R1-).*

1. The minimum setback is:
 - a. Ten feet from a property zoned Single-family Residential.
 - b. Ten feet from an alley that abuts a property zoned Single-family Residential, measured from the center of the alley.
2. Walls and fences up to eight feet in height are allowed on the property line or within the required setback above, if the wall or fence is at least 10 feet from the center of the alley.

H. *Building location.*

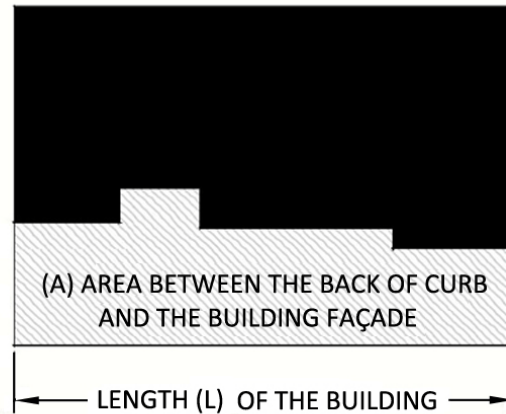
1. A building adjacent to a public street shall be located as follows:
 - a. In a Type 1 area, at least 50 percent of the:
 - i. Length of the building façade shall be located at the minimum setback; and
 - ii. Area of the building façade at ground level and up to 30 feet in height shall be located at the minimum setback.
 - b. In a Type 2 area, at least 25 percent of the:
 - i. Length of the building façade shall be shall be located at the minimum setback;
 - ii. Length of a building façade at ground level and up to 30 feet in height shall be set back at least 10 additional feet; and
 - iii. Area of the building façade at ground level and up to 30 feet in height shall be located at the minimum setback.
2. In a Type 2 Area, a building with a building façade length of 200 feet or more shall be located to achieve a prevailing setback shown in Table 5.3006.H. The building façades on a corner lot are calculated separately, and not added together.

Table 5.3006.H. Prevailing Setbacks for Buildings Adjacent to a Public Street	
Street	Prevailing Setback
North Drinkwater Boulevard and North Goldwater Boulevard	Between 35 and 45 Feet
East Camelback Road	Between 45 and 60 Feet
North Scottsdale Road north of the Arizona Canal	Between 45 and 60 Feet
All other public street and public street segments	Between 25 and 35 Feet

3. The prevailing setback is equal to the area between the back of curb and the building facade, divided by the length of the building, as shown in Example 5.3006.H.

Example 5.3006.H.

Calculation of the Prevailing Setback



$$\text{PREVAILING SETBACK} = \frac{\text{AREA (A)}}{\text{LENGTH (L)}}$$

I. Private outdoor living space.

1. All dwelling units shall include private outdoor living space attached to the dwelling unit.
2. Each private outdoor living space shall be at least 6 feet deep and 60 square feet in area.

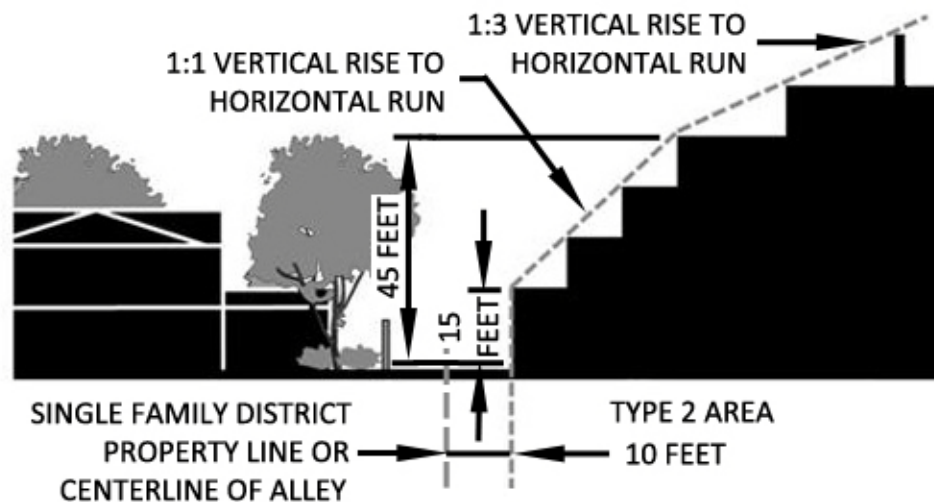
J. Stepbacks.

1. Property in a Type 1 Area: The stepback plane shall incline at a ratio of 1:1 beginning 30 feet:
 - a. Above the minimum setback from the public street (except alleys),
 - b. Above the rear property line, and
 - c. Above the property line abutting an alley.
2. Property in a Type 2 Area adjacent to or abutting a Type 1 Area:
 - a. The stepback plane shall incline at a ratio of 1:1, beginning 30 feet above the minimum setback from the public street (except alleys), where the public street abuts a Type 1 Area.
 - b. The stepback plane shall incline at a ratio of 1:1, beginning 30 feet above a property line that abuts (i) a Type 1 area, or (ii) an alley that abuts a Type 1 Area.
 - c. The stepback plane shall incline in conformance with the applicable requirements of this section for property lines that do not abut (i) a Type 1 Area, or (ii) an alley that abuts a Type 1 Area.

3. Property in the Downtown Civic Center – Type 2 or Downtown Multiple Use – Type 2 Areas not described above: The stepback plane shall incline at a ratio of 1:1, beginning 30 feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines, to 45 feet; and beginning at 45 feet, incline at a ratio of 2:1.
4. Property in the Downtown Medical – Type 2 or Downtown Regional Use – Type 2 Areas not described above: The stepback plane shall incline at a ratio of 2:1, beginning 45 feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines.
5. Downtown Boundary—additional requirements for property in a Type 2 Area:
 - a. Where the Downtown Boundary abuts a single-family residential district or an alley that abuts a single-family residential district:
 - i. The setback shall be 10 feet from the single family residential district or the centerline of the alley.
 - ii. The stepback plane shall incline at a ratio of 1:1, beginning 15 feet above the setback line to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

Example 5.3006.J.5.a.

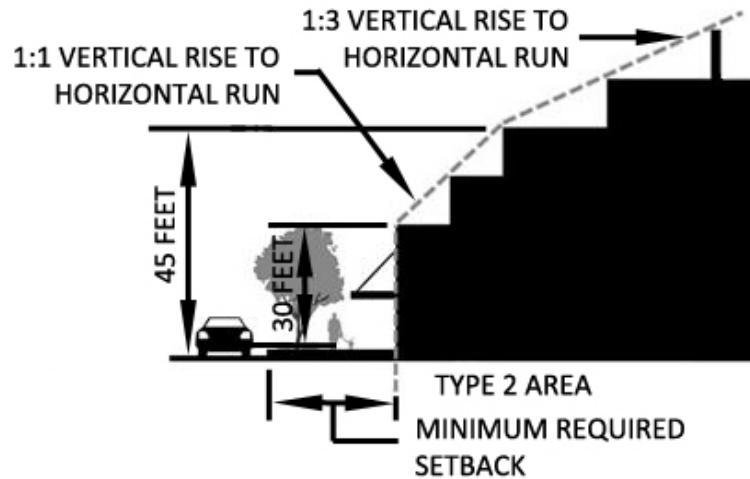
Stepback at the where the Downtown Boundary
abuts a property zoned single-family residential district or an alley that abuts a
property zoned single-family residential district



- b. Where the Downtown Boundary abuts a public street, the stepback plane shall incline at a ratio of 1:1, beginning 30 feet above the minimum setback from the public street (except alleys) to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

Example 5.3006.J.5.b.

Stepback where the Downtown Boundary abuts a public street

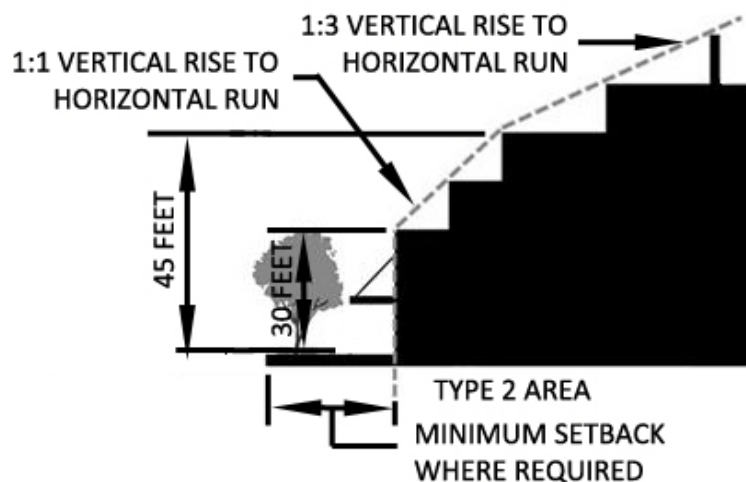


c. Where the Downtown Boundary abuts other than a single-family residential district or an alley that abuts other than a single-family residential district:

- i. The setback shall be 10 feet from the centerline of the alley.
- ii. The stepback plane shall Incline at a ratio of 1:1, beginning 30 feet above the setback line from the alley and 30 feet above all other property lines to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

Example 5.3006.J.5.c.

Downtown Boundary abuts other than a single-family residential district or an alley that abuts other than a single-family residential district



6. If there is a conflict at the intersection of the stepback planes, the more gradual slope controls.

K. *Exceptions to setback and stepback standards.*

1. Except as provided in Subsection 5.3006.K.5. below, certain exceptions to setback and stepback standards are allowed if the Development Review Board finds the exceptions conform to:

- a. The Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines; and
- b. The sight distance requirements of the Design Standards and Policy Manual.

2. Subject to design approval by the Development Review Board, the following exceptions to setback and stepback standards are allowed:

- a. A maximum of five feet for cornices, eaves and fireplaces.
- b. A maximum of seven feet for canopies and other covers over sidewalks, balconies and terraces.
- c. Balcony walls and railings with a maximum inside height of 45 inches.
- d. Uncovered balconies, uncovered terraces and patios at and below grade.
- e. Covered sidewalks and uncovered terraces directly above a sidewalk.

3. Subject to design approval by the Development Review Board, in a Type 2 Area, a maximum 15 feet exception to stepback and setback standards above the first floor (not specified in K.2. above), is allowed for projections that:

- i. Are less than 50 percent of the length of the segment of the building facade where the projections occur; and
- ii. Are less than 33 percent of the surface area of the segment of the building façade where the projections occur.

4. Subject to design approval by the Development Review Board, exception to the stepback standard is allowed for stairwells and elevator shafts.

5. Exceptions to setback or stepback standards are not allowed:

- a. To cross a property line; however, exceptions that encroach into the public street may be allowed, subject to the Scottsdale Revised Code.
- b. On the side or rear, where the property line abuts a single-family residential district or an alley that abuts a single-family residential district; however, a maximum five feet exception to the stepback standard is allowed for stairwells, and elevator shafts, mechanical equipment and related screening, chimneys, parapets, and ridges of sloped roofs.

L. *Shaded sidewalks.*

1. The owner shall provide shaded sidewalks that conform to the Downtown Plan Urban Design & Architectural Guidelines, subject to Development Review Board approval.

M. *Signs.*

1. The requirements of Article VIII. shall apply.

N. *Off-street parking.*

1. The requirements of Article IX. shall apply.
2. Vehicle parking is prohibited in the public street setback.
3. An underground parking structure with amended setbacks up to the property line is allowed. However, if the Development Review Board so requires, the structure shall accommodate trees and other landscape materials at grade.
4. A development with dwelling units that is required to provide:
 - a. Fifty to 200 parking spaces for the dwelling units, shall provide at least 90 percent of those parking spaces in a parking structure, podium parking, or tuck-under parking.
 - b. Two hundred one or more parking spaces for the dwelling units, shall provide at least 90 percent of those parking spaces in a parking structure, excluding podium parking and tuck-under parking.
6. The Development Review Board may approve an above-ground parking structure, podium parking and tuck-under parking abutting a public street if it finds that such parking conforms to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.

O. *Landscaping.*

1. The requirements of Article X. shall apply.

Sec. 5.3007. Property development standards for small parcels.

- A. For development of a parcel with a gross lot area less than 20,000 square feet, the Development Review Board may reduce the setbacks and stepbacks of the underlying district up to 10 percent, if the reductions conform to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.
- B. For development of a parcel with a gross lot area less 20,000 square feet, the City Council may reduce the setbacks and stepbacks of the underlying district, if the reductions conform to the Downtown Plan and Downtown Plan Urban Design & Architectural Guidelines.

Sec. 5.3008. Bonus provisions.

- A. Purpose. The bonus provisions provide higher gross floor area ratios (GFAR) for properties zoned Downtown District for owners that provide significant sustainable, high-quality urban design and other features, beyond those required by the City, to achieve the goals of the

General Plan and Downtown Plan and increase the quality of life for the community and general public.

B. Gross Floor Area Ratio (GFAR) bonus.

1. GFAR bonuses are as set forth in Table 5.3008.B., Gross Floor Area Ratio Bonuses.

Table 5.3008.B. Gross Floor Area Ratio Bonuses		
Mechanism	Bonus	Regulations
Underground parking structure	0.4 GFAR	Section 5.3008.C.1.
Incorporation of dwelling units	One square foot of non-residential floor area for each square foot of dwelling floor area, up to 0.5 additional GFAR	Section 5.3008.C.2.
Above-ground parking structure	0.1 GFAR	Section 5.3008.C.3.
Downtown historic preservation	0.2 GFAR	Section 5.3008.C.4.

C. Bonus provision regulations.

1. Underground parking structure. At least 90 percent of the total required parking for the development shall be in an underground parking structure. Each phase of construction shall provide its pro rata share of required parking in an underground parking structure.
2. Incorporation of dwelling units. The floor plan shall identify the amount and locations of floor area used exclusively for dwellings.
3. Above-ground parking structure. At least 90 percent of the total required parking shall be on the second floor or above in an above-ground parking structure. Each phase of construction shall provide its pro rata share of required parking in an above-ground parking structure.
4. Downtown historic preservation. Where applicable, the development plan shall incorporate property zoned historic property, and include a Historic Preservation Plan.

Section 19. Amend Sections Sec. 6.403. Use regulations., as follows:

Sec. 6.403. ~~Use regulations.~~ Structure limitations.

~~A. Permitted uses. Structures shall hereafter be erected, altered or enlarged only for the following uses:~~

- ~~1. Surfaced parking lots for off-street parking of passenger vehicles.~~
- ~~2. Carports.~~
- ~~3. Vehicle parking structures may be constructed either above and/or below the surface of the ground, but in no event may exceed a height above ground of 35 feet.~~

~~B. Uses permitted by a conditional use permit.~~

~~1. Recyclable material collection center.~~

A. *Permitted structures.* Only the following types of structures are allowed in the P-2 District:

1. Surfaced parking lots.
2. Carports.
3. Parking structures.
4. Refuse enclosures.
5. Storage buildings, subject to the Zoning Administrator's approval if the storage building:
 - a. Is smaller than 500 square feet, and
 - b. Occupies an area unusable as a parking space.

Section 20. Amend Section Sec. 6.404. Property development standards., as follows:

Sec. 6.404. Property development standards.

- A. Building height maximum (excluding rooftop appurtenances): 36 feet.
- B. Landscaping shall be provided as determined by Development Review Board approval.

Section 21. Repeal Sections Sec. 6.1200 through Sec. 6.1209, and adopt the following:

Sec. 6.1200. Downtown Overlay District (DO).

Sec. 6.1201. Purpose.

- A. The purposes of the Downtown Overlay District (DO) are to promote the goals and policies of the Downtown Plan and provide increased intensities to revitalize Downtown Area properties. This District encourages urban design forms to accommodate additional dwelling units in mixed-use developments and stimulates sustainable live/work lifestyles within a vital urban environment.

Sec. 6.1202. - Applicability.

- A. The DO District shall only be applied to property within the Downtown Area.

Sec. 6.1203. Approval requirements.

Development in the DO District is subject to the Development Review Board approval as described in Sec. 1.900 of the Zoning Ordinance. The owner shall demonstrate that proposed development is in conformance with the applicable design standards of the Downtown Plan Urban Design & Architectural Guidelines.

Sec. 6.1204. Use regulations.

- A. The land uses allowed in the DO District are shown in Table 6.1204.A and described in this section.
- B. If there is a conflict between the use regulations of DO District and underlying Downtown District, the use regulations standards of the Downtown District.

**Table 6.1204.A., Land Uses
for the Downtown Overlay District**

<ul style="list-style-type: none"> • P^(#) — is a permitted use with limitations described in the notes (P^(#)) below. • CUP^(#) — is a use subject to a Conditional Use Permit with limitations described in the notes (CUP^(#)) below. 	
Land Use	Regulations
After hours establishment	CUP ⁽²⁾
Dwelling unit(s)	P ⁽¹⁾
Office	P ⁽¹⁾
All other land uses	See underlying district regulations

Notes: 1. Any land use other than retail shall not occupy more than 35 percent of the first-floor area in a building, in a Type 1 Area south of East Indian School Road, and all properties abutting North Marshall Way north of East Indian School Road and East 5th Avenue.

2. After hours establishments are not allowed in the Multiple-family Residential District (R-5) and Service Residential District (S-R).

B. Drive-through and drive-in services are not allowed in the Downtown Area.

C. Temporary buildings, structures and mobile vendors are only allowed on a property as accessory to construction work on the property, and shall be promptly removed upon completion of construction work or the Zoning Administrator's request.

D. Grade-level uses in Parking District (P-2) shall be limited to those uses listed in the Parking District (P-2), and the uses allowed of abutting the Commercial Business District (C-2), or Highway Commercial District (C-3), and the Downtown Overlay District (DO) shall be permitted 10-feet above grade-level in the Parking District (P-2).

Sec. 6.1205. Property development standards.

A. If there is a conflict between the development standards of DO District and the development standards of the underlying district, except for the Downtown District, the development standards of the DO District control.

B. If there is a conflict between the DO District and Article VII, the DO District controls.

C. The following property development standards of the Downtown District apply to property zoned DO:

1. Setbacks from public streets, except alleys,
2. Setbacks from major intersections,
3. Setbacks from single-family residential districts (R1-),

4. Building location,
5. Private outdoor living space,
6. Stepbacks,
7. Exceptions to setback and stepback standards, and
8. Shaded sidewalks.

D. Building height.

1. The maximum building height is that of the underlying zoning district (except Service Residential (S-R)), and as allowed in Article VII.
2. The maximum building height in the S-R District is 26 feet, and as allowed in Article VII.

E. Density.

1. Maximum: 23 dwelling units per acre of gross lot area.

F. Gross floor area ratio (GFAR).

1. Maximum: 1.3.

G. Signs.

1. The requirements of Article VIII. shall apply.

H. Off-street parking.

1. The requirements of Article IX. shall apply.

I. Landscaping.

1. The requirements of Article X. shall apply.

Sec. 6.1206. Property development standards for small parcels.

- A. The Property Development Standards for Small Parcels in the Downtown District apply property in the DO District.

Section 22. Adopt the following sections into Article VI. Supplementary Districts., as follows:

Sec. 6.1300. Planned Block Development Overlay District (PBD).

Sec. 6.1301. Purpose.

- A. The purpose of the Planned Block Development (PBD) Overlay District is to allow for development flexibility in the Downtown Area to assist the City in achieving the Downtown Plan, developing more Downtown Area public amenities, and adding land uses that would further promote the Downtown Area as a twenty-four (24) hour community.

Sec. 6.1302. Applicability.

- A. The PBD Overlay District is applicable only to property zoned Downtown District.

Sec. 6.1303. District size requirement.

- A. Gross lot area minimum: 20,000 square feet.

Sec. 6.1304. PBD Overlay District criteria.

- A. Before the first Planning Commission hearing on a PBD Overlay District application, the Development Review Board shall make a recommendation to the Planning Commission regarding the Development Plan based on the following criteria. See the Downtown Plan for designation of the Areas mentioned.

1. Criteria for a PBD Overlay District application in a Type 1 Area:

- a. The Development Plan shall reflect the goals and policies of the Character & Design chapter of the Downtown Plan; and
- b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines.

2. Criteria for a PBD Overlay District application in the Type 2 Area:

- a. The Development Plan shall reflect the goals and policies of the Character & Design chapter of the Downtown Plan;
- b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines;
- c. The building form shall reflect the planned character of development within which the development will be located;
- d. The Development Plan shall incorporate standards for development within 350 feet of the Downtown Boundary that address appropriate transitions in building heights between the proposed development and the zoning districts abutting or adjacent to the development;
- e. The Development Plan shall incorporate standards for development in the Downtown Regional Use – Type 2 or Downtown Medical – Type 2 Areas, and within 100 feet of the Downtown Multiple Use – Type 2 or Downtown Civic Center – Type 2 Areas, that address appropriate transitions in building heights between the proposed development and the Downtown Multiple Use – Type 2 or Downtown Civic Center – Type 2 Areas;
- f. The Development Plan for development within 100 feet of a Type 1 Area shall incorporate standards that address appropriate landscape materials and transitions in building heights between the proposed development and the Type 1 Area;

- g. The Development Plan shall incorporate standards for development adjacent to streets that include sidewalks, pedestrian linkages, building forms and architectural features that address human scale and pedestrian orientation;
- h. The pedestrian circulation shall be accessible and easy to navigate, and incorporate open space and pedestrian linkages to the public pedestrian circulation network; and

B. The Planning Commission shall make a recommendation to the City Council, based on the following applicable criteria:

1. Standard criteria:

- a. The proposed development supports the land use elements of General Plan and the Downtown Plan.

2. Criteria to add land uses to Table 5.3005.B., Land Uses for Each Sub-district of the Downtown District:

- a. Each proposed land use helps maintain a balance of land uses in the Downtown Area in accordance with the Downtown Plan.
- b. Each proposed land use is compatible with the adjacent development, and strengthens the mix of land uses and activities in the Downtown Area.
- c. Each proposed land use substantially implements the pedestrian oriented, twenty-four (24) hour downtown community goals of the Downtown Plan.

C. The burden is on the applicant to address the criteria in this section.

Section 6.1305. Amendments to the Development Plan.

- A. An owner of property in a PBD Overlay District may request an amendment to the Development Plan for the owner's property, if the amendment does not change the property development standards of other properties in the PBD Overlay District.

Sec. 6.1306. Approval required.

- A. Any development in the PBD Overlay District is subject to Development Review Board approval as described in Article I.

Sec. 6.1307. Use regulations.

- A. The applicable underlying D District's sub-district's use regulations shall apply to the PBD Overlay District, except that the City Council may add land uses. A zoning district map amendment's associated Development Plan for a PBD Overlay District shall include any additional land uses. The City Council may impose requirements on additional land uses.

Sec. 6.1308. Property development standards.

- A. The property development standards of the PBD Overlay District shall control over the property development standards of the D District.
- B. Density. Maximum: 50 dwelling units per acre of gross lot area.

C. Gross Floor Area Ratio (GFAR).

1. Maximum GFAR: 1.4.
2. The Development Plan shall identify the GFAR for each property within the PBD Overlay District. If the GFAR is not identified in the Development Plan, the GFAR for that property shall be 1.4.

D. Building height.

1. The building height for property in each Downtown District sub-district shall not exceed the building height maximum shown in Table 6.1308.D.

Table 6.1308.D. Building Height Maximum ¹				
	Downtown Core within Old Town Design District Area	Downtown Core outside of the Old Town Design District Area	Downtown Civic Center and Downtown Multiple Use	Downtown Medical and Downtown Regional Use
Building Height Maximum (Note)	40 Feet	48 Feet	66 Feet	84 Feet
Note: 1. The building height maximum includes rooftop appurtenances.				

2. The Development Plan shall identify the building heights for each property within the PBD Overlay District. If the building height is not identified, the building height for that property shall be the building height maximum set forth in Table 6.1308.G for the applicable Downtown District sub-district.

E. Private outdoor living space.

1. All dwelling units shall include private outdoor living space attached to the dwelling unit.
2. Each private outdoor living space shall be at least 6 feet deep and 60 square feet in area.

F. Setbacks.

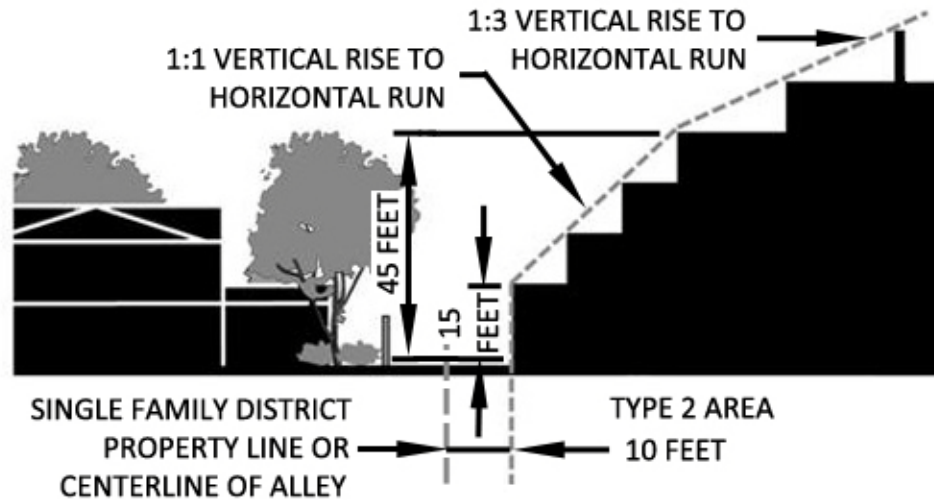
1. All buildings shall be set back in accordance with the approved Development Plan.

G. Stepbacks.

1. All building stepbacks shall be in accordance with the approved Development Plan; and
2. Downtown Boundary—additional requirements for property in a Type 2 Area:
 - a. Where the Downtown Boundary abuts a single-family residential district or an alley that abuts a single-family residential district:
 - i. The setback shall be 10 feet from the single family residential district or the centerline of the alley.
 - ii. The stepback plane shall incline at a ratio of 1:1, beginning 15 feet above the setback line to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

Example 5.3006.J.5.a.

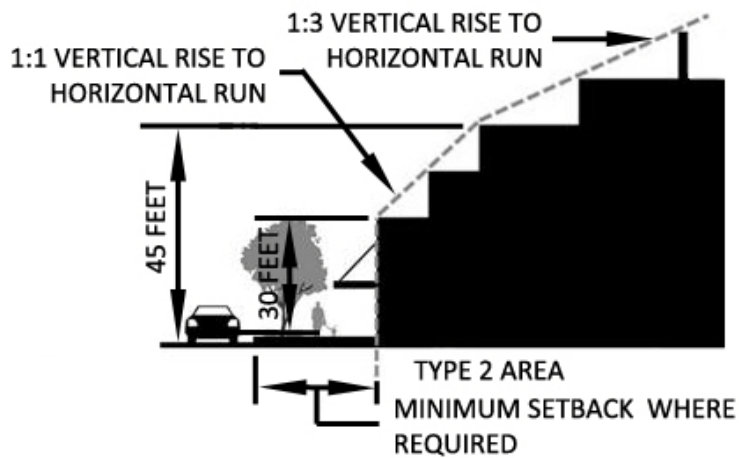
Stepback at the where the Downtown Boundary abuts a single-family residential district or an alley that abuts a single-family residential district



- b. Where the Downtown Boundary abuts a public street, the stepback plane shall incline at a ratio of 1:1, beginning 30 feet above the minimum setback from the public street (except alleys) to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

Example 5.3006.J.5.b.

Stepback where the Downtown Boundary abuts a street or abuts a zoning district other than a single-family residential district



- c. Where the Downtown Boundary abuts other than a single-family residential district or an alley that abuts other than a single-family residential district:

- i. The setback shall be 10 feet from the centerline of the alley.
- ii. The stepback plane shall Incline at a ratio of 1:1, beginning 30 feet above the setback line from the alley and 30 feet above all other property lines to 45 feet; and beginning at 45 feet, incline at a ratio of 1:3.

3. If there is a conflict at the intersection of the stepback planes, the more gradual slope controls.

H. Signs.

1. The provisions of Article VIII shall apply.

I. Off-street parking.

1. The provisions of the Downtown District shall apply.

J. Landscaping.

1. The provisions of Article X shall apply.

K. Additional requirements.

1. Building locations and stepbacks, including exceptions to setbacks and stepbacks, shall conform to the Development Plan.

Sec. 6.1309. Cultural Improvements Program requirements.

A. Property within a PBD Overlay District shall comply with the Cultural Improvements Program, except as provided below.

1. The owner of property rezoned to the PBD Overlay District before ##### 1, 2012, shall provide artwork, or pay an in-lieu fee, equal to at least one percent of the building valuation for the non-residential floor area. An owner of property rezoned to the PBD Overlay District before ##### 1, 2012, adding non-residential floor area after ##### 1, 2012, shall provide artwork, or pay an in lieu fee, equal to at least one percent of the building valuation for the added non-residential floor area.
2. The owner of property rezoned to the PBD Overlay District after ##### 1, 2012, shall provide artwork, or pay an in-lieu fee, equal to at least one percent of the building valuation for all floor area. An owner of property rezoned to the PBD Overlay District after July 1, 2012, adding floor area after ##### 1, 2012, shall provide artwork, or pay an in lieu fee, equal to at least one percent of the building valuation for the added floor area.

B. In lieu fees shall be paid into the Downtown Cultural Trust Fund.

C. Exemptions.

1. The following are exempt from the Cultural Improvement Program requirement:
 - a. Portions of development in a PBD Overlay District for which building permits were issued before June 21, 1988.
 - b. Interior tenant improvements.

- c. Residential uses in a PBD Overlay District that was rezoned before ##### 1, 2012.
- d. Hospitals.
- e. Dwellings, single-family and two-family.

Sec. 6.1310. Bonus provisions.

A. Applicability.

1. Bonus provisions are applicable to property zoned PBD Overlay District for noteworthy investments in sustainable, high-quality urban design and other features that provide public benefits, improve the quality of life in the community, and assist in achieving the goals and policies of the General Plan, Downtown Plan and City objectives.

B. Types of bonuses.

1. Bonuses may result in an increase that is greater than maximum set forth above for:
 - a. Gross Floor Area Ratio (GFAR, non-residential intensity),
 - b. Density, and
 - c. Building height.

C. Limitation on bonuses.

1. Before the City Council approval of a bonus, the owner may allocate bonuses to GFAR, density and building height, subject to the Zoning Administrator's approval. The Zoning Administrator shall not approve any bonus in excess of the owner's contributions. After the City Council approves a bonus, amendments to the bonus are subject to further City Council approval.
2. Improvements that result in a Special Improvements bonus are ineligible for payback agreements.

D. Bonus procedures.

1. Any bonus or amendment to a bonus shall be subject to City Council approval through a Zoning District Map Amendment with a Development Plan and development agreement. The development agreement shall be in a form satisfactory to the City Attorney, and shall contain at least:
 - a. A description of the bonus and the mechanism to achieve the bonus;
 - b. The owner's responsibilities to achieve the bonus, and the timetable for achievement;
 - c. The consequences of the owner's failure to abide by the development agreement.
 - d. The contract administrators' identification and contact information.

E. Special Improvements bonus procedure.

1. A professional consultant shall provide the Total Construction Cost Estimate of any Special Improvement mechanism in accordance with the rules established by the Zoning Administrator. The Total Construction Cost Estimate of a Special Improvement includes the fair market value of any dedicated land or easement, and excludes the cost of public improvements required for the development and standard right-of-way dedications.

Example 6.1310. E. Special Improvement Bonus Calculation Example

A development requires a 10-inch waterline to serve the property. The City's water master plan specifies a 16-inch waterline to be installed in the street adjacent to the property. The Total Construction Cost Estimate includes the proportional fair market value of any dedicated land or easement required to accommodate the waterline and the cost of the 16-inch waterline, and excludes the associated fair market value of any dedicated land or easement, standard right-of-way dedications, and cost for the 10-inch waterline.

2. Before scheduling a public hearing for an application that includes a Total Construction Cost Estimate, the Zoning Administrator in consultation with the City Engineer, shall have accepted the owner's Total Construction Cost Estimate.
3. Any cash payments for bonuses in the PBD Overlay District shall be deposited in the "Downtown Special Improvement Trust Fund" (DSITF). The DSITF funds shall be used exclusively for public improvements in the Downtown Area.
4. If the owner proposes to dedicate property or easement to the City for a Special Improvements bonus, the Zoning Administrator, may, at the owner's expense, order one or more appraisals of the property to determine the fair market value. The owner shall reimburse the City for the appraisals before the first public hearing before the Planning Commission.

F. Gross Floor Area (GFA) bonuses.

1. In addition to the bonuses provided in Sec. 5.3008., the City Council may approve a GFA bonus as set forth in Table 6.1310.F., Gross Non-residential Floor Area (GFA). However, the total GFAR of all parcels within the area delineated in the Development Plan shall not exceed the maximum GFAR set forth in Table 6.1310.F.1, Bonus Gross Floor Area Ratio Maximum.

Table 6.1310.F. Gross Non-residential Floor Area (GFA) Bonus		
Mechanism	Bonus	Regulations
Cultural Improvements Program Contribution	Gross lot area times 0.1 = square feet of floor area bonus for each one percent of building valuation for all buildings shown on the Development Plan	Section 6.1311.A.

Table 6.1310.F. Gross Non-residential Floor Area (GFA) Bonus		
Mechanism	Bonus	Regulations
Workforce Housing	500 square feet of floor area for each dwelling unit dedicated to workforce housing	Section 6.1311.B.
Open space shown on the Development Plan	One square foot of floor area for each four square feet of grade level open space that comply with the regulations	Section 6.1311.C.
Compliance with Scottsdale's Green Building Program Requirements	Gross lot area times 0.1 = square feet of floor area bonus	Section 6.1311.D.
Special Improvements ¹	Total Construction Cost Estimate times 0.1 = square feet of floor area bonus	Section 6.1311.E.
Notes: 1. The portion of the Total Construction Cost Estimate for public parking shall be calculated in accordance with Section 6.1311.E.		

Table 6.1310.F.1. Bonus Gross Floor Area Ratio Maximum			
	Downtown Core	Multiple Use and Civic Center Areas	Medical Use and Regional Use Areas
Bonus GFAR Maximum	2.5	3.0	4.0

G. Building height bonuses.

1. The City Council may approve an increase in the building height as set forth Table 6. 1310.G., Building Height Bonus. However, the height of a structure, including rooftop appurtenances, shall not exceed the building height maximum set forth in Table 6.1310.G.1., Bonus Building Height Maximum.

Table 6. 1310.G. Building Height Bonus		
Mechanism	Bonus ^(1,2)	Regulations
Cultural Improvements Program Contribution	Contribution times 0.0001 = feet of bonus height	Section 6.1311.A.

Table 6. 1310.G. Building Height Bonus		
Mechanism	Bonus ^(1,2)	Regulations
Workforce Housing	12 feet of bonus height for each 10 percent of the number of dwelling units dedicated to workforce housing, up to a maximum of 48 feet	Section 6.1311.B.
Open space shown on the Development Plan	One foot of bonus height for each 1000 square feet of grade level open space that comply with the regulations	Section 6.1311.C.
Compliance with Scottsdale's Green Building Program Requirements	15 feet of bonus height	Section 6.1311.D.
Special Improvements ²	Total Construction Cost Estimate times 0.0001 = feet of bonus height	Section 6.1311.E.
Notes: 1. The bonus height is added to the Building Height Maximum set forth in Table 6.1308.D. for the appropriate sub-district. 2. The portion of the Total Construction Cost Estimate for public parking shall be calculated in accordance with Section 6.1311.E.		

Table 6.1310.G.1. Bonus Building Height Maximum ¹				
	Downtown Core within Old Town Design District Area	Downtown Core outside of the Old Town Design District Area	Downtown Civic Center and Downtown Multiple Use	Downtown Medical and Downtown Regional Use
PBD gross lot area equal to or greater than 20,000 and less than 100,000 square feet	No additional height above the Building Height Maximum	No additional height above the Building Height Maximum	78 Feet	90 Feet

PBD gross lot area equal to or greater than 100,000 and less than 200,000 square feet	No additional height above the Building Height Maximum	No additional height above the Building Height Maximum	90 Feet	120 Feet
PBD gross lot area equal to or greater than 200,000 square feet	No additional height above the Building Height Maximum	No additional height above the Building Height Maximum	No additional height above the 90-foot Building Height Maximum	150 Feet
Note: 1. The building height maximum includes rooftop appurtenances.				

H. Dwelling units.

1. The City Council may approve an increase in dwelling units above Sec. 6.1308.B. as set forth in Table 6.1310.H.

Table 6.1310.H. Dwelling Unit Bonuses		
Mechanism	Bonus	Regulations
Cultural Improvements Program Contribution	Contribution times 0.0001 = bonus dwelling units	Section 6.1311.A.
Workforce Housing	Dwelling units dedicated to workforce housing are excluded from density calculations.	Section 6.1311.B.
Open space shown on the Development Plan	Development based on dwelling units: 350 square feet of open space required for each additional dwelling unit. Residential health care facility based on beds: 175 square feet of open space required for each additional bed	Section 6.1311.C.
Compliance with Scottsdale's Green Building Program Requirements	10 percent increase in density above Sec. 13008.B.	Section 6.1311.D.

Table 6.1310.H. Dwelling Unit Bonuses		
Mechanism	Bonus	Regulations
Special Improvements ¹	Total Construction Cost Estimate times 0.0001 = number of bonus dwelling units	Section 6.1311.E.
Notes: 1. The portion of the Total Construction Cost Estimate for public parking shall be calculated in accordance with Section 6.1311.E.		

Sec. 6.1311. Bonus provision regulations.

A. Cultural Improvements Program contribution.

1. To achieve a bonus, an owner shall contribute to the Cultural Improvements Program, in addition to the contribution requirement of the PBD Overlay District.

B. Workforce housing.

1. To achieve a bonus, an owner shall enter into a development agreement to promote workforce housing within the Development Plan, in a form satisfactory to the City Attorney.
 - a. The Neighborhood Advisory Commission, its successor or designee, shall make a recommendation to the Planning Commission regarding proposed workforce housing bonuses.
 - b. The number of workforce housing dwelling units shall not exceed 40 percent of the total dwelling units provided. The number of workforce housing dwelling units in each phase of construction shall not exceed 40 percent of the total dwelling units provided in the phase.

C. Open space.

1. To achieve a bonus, the Development Plan shall have a minimum four acres of net lot area.
2. The open space shall be:
 - a. In addition to any private outdoor living space or open space provided in the setbacks;
 - b. At grade level;
 - c. Visible from a public street;
 - d. Improved to include pedestrian amenities, such as landscaping, seating, tables, sidewalks, and drinking fountains; and
 - e. Contiguous to other open space.

3. Fifty percent of the open space provided for the open space bonus shall be publicly accessible. A document confirming public access and the owner's responsibility for maintenance, operations, and other provisions of the open space, shall be recorded against the property in a form satisfactory to the City Attorney.

D. Scottsdale's Green Building Program.

1. To achieve a bonus, an owner shall demonstrate compliance with the Scottsdale Green Building Program in conformance with the rules established by the Zoning Administrator and Building Official.

E. Special Improvements.

1. To achieve a bonus, an owner shall provide one or more of the following improvements in the Downtown Area, in addition to those required by the Scottsdale Revised Code and Design Standards and Policies Manual:
 - a. Addition, replacement, upsizing and or other improvement of parking, streets, water systems, sewer systems, drainage systems, street lighting, signage, transit, pedestrian amenities, plazas or other public improvements, or
 - b. Other special improvements as determined by the City Council, if the improvements provide public access and public benefits proportional to the bonus received.
2. Special Improvement bonus provisions for public parking. To achieve a bonus for public parking, the owner shall meet all the following criteria:
 - a. Public parking shall be located in parking structure in the Downtown Area where the City Council determines that public parking is needed.
 - b. At least four percent of the public parking spaces shall be mobility impaired accessible in accordance with Article IX.
 - c. The owner shall provide and maintain signage on the interior and exterior of the parking structure clearly identifying that the facility provides public parking and the location of the public parking. The location and design of the signage shall be subject to Zoning Administrator's approval.
 - d. Before the city issues a building permit for the parking structure, the owner shall record a document that permanently imposes upon the owner and its successors, duties to operate, repair, maintain, renovate and insure the public parking spaces, subject to City Attorney approval.
 - e. The public parking spaces shall be available to the public at no charge.
 - f. The public parking spaces shall not be utilized for valet parking.
 - g. Bonus public parking is ineligible for any other parking credit, benefit or waiver.
3. Special Improvement bonus provisions for onsite public parking in an above-ground parking structure. To achieve a bonus for this type of public parking, the owner shall meet all the following criteria:
 - a. Minimum number of public parking spaces required: 200
 - b. Public parking spaces shall be available to the public between the hours of 5:00 p.m. to 3:00 a.m. Monday through Thursday, and on Friday from 5:00 p.m. through 3:00 a.m. on Monday.

- c. The portion of the Total Construction Cost Estimate for public parking spaces in an above-ground parking structure shall be calculated as follows: the cost of constructing all the parking spaces in the above-ground parking structure in which the public parking is located, divided by the total number of parking spaces, multiplied by the number of public parking spaces, and multiplied by 0.25.
- d. The public parking spaces in an above-ground parking structure shall be on the ground level. However, if the public parking spaces do not fit on the ground level, then the entire ground level shall be public parking spaces, and the remaining public parking spaces shall fill the first level above ground, then above, until all public parking spaces are provided.
- e. The public parking spaces are in addition to the property's parking requirements for the hours above, but may be used to meet the property's parking requirements outside the hours above.

- 4. Special Improvement bonus provisions for onsite public parking in an underground parking structure. To achieve a bonus for this type of public parking, the owner shall meet all the following criteria:

- a. Minimum number of public parking spaces required: 50
- b. Public parking shall be available to the public 24 hours every day.
- c. The portion of the Total Construction Cost Estimate for public parking spaces in an underground parking structure shall be calculated as follows: the cost of constructing all the parking spaces in the underground parking structure in which the public parking is located, divided by the total number of parking spaces, and multiplied by the number of public parking spaces.
- d. The public parking spaces in an underground parking structure shall be on the first level below ground. However, if the public parking spaces do not fit on the first level below ground, then the entire first level below ground shall be public parking spaces, and all the remaining public parking spaces shall be on the second level below ground. Public parking spaces shall not be provided on any level below the second level below ground.
- e. The public parking spaces are in addition to the property's parking requirements.

Section 23. Amend Sec. 7.103. Structures near airplane runway or landing strip., as follows:

Sec. 7.103. Structures near airplane runway or landing strip.

~~All structures and objects of natural growth which lie within the boundaries specified in Ordinance No. 1254, the Scottsdale Municipal Airport Zone Height Ordinance, shall conform and be subject to all terms and provisions of that ordinance and of this ordinance.~~

All structures and objects of natural growth within the boundaries of the Airport Influence Area, as defined in Chapter 5 of the Scottsdale Revised Code, shall conform to Chapter 5.

Section 24. Amend Sec. 7.104. Height limitations on walls, fences, landscape materials and structures on corner lots., as follows:

Sec. 7.104. Height limitations on walls, fences, landscape materials and structures on corner lots.

~~A. The height of walls, fences, hedges, landscape materials, gateways and structures on corner lots where front yards are required, is limited, to enhance safe vehicular movement; and help protect the safety of children, pedestrians, drivers and passengers, personal and real property.~~

~~B. Walls, fences, hedges, landscape materials, gateways and structures shall not:~~

- ~~1. Obstruct clear vision at corners of intersecting streets; and~~
- ~~2. Exceed two (2) feet in height above the elevation of the nearest street line, for a distance of twenty five (25) feet along both lot lines, measured from the point of intersection of the lot lines.~~

~~C. Also, within the isosceles triangle formed by connecting the ends of the respective twenty five (25) foot distances described in B. above, no wall, fence, hedge, landscape material, gateway or structure shall exceed two (2) feet in height above the elevation of the street line level at the intersecting streets~~

A. Walls, fences, hedges, landscape materials, gateway features and structures shall conform to the sight distance requirements of the Design Standards and Policies Manual.

Section 25. Add Sec. 7.105. Screening requirements., as follows:

Sec. 7.105. Screening requirements.

A. The following screening is required for all development, except individual single-family dwellings:

1. Exterior storage and refuse areas shall be screened by a solid wall or fence.
2. Exterior ground-mounted storage containers, mechanical equipment and satellite dishes shall be screened by a solid wall or fence at least one foot taller than the object being screened.
3. Roof-mounted storage containers, mechanical equipment and satellite dishes

shall be screened by a solid wall or louver system at least as tall as the tallest object being screened. The louver system shall completely obstruct the view of the object that is being screened.

4. Wall-mounted mechanical equipment, satellite dishes and utilities shall be screened or integrate into the architecture of the development.
5. Loading docks and service areas shall be screened with a wall, landscaping, or other screening material consistent with the development.
6. Roof-mounted storage containers and mechanical equipment visible from the windows of an adjacent taller building shall be screened.

- B. The screening above is subject Development Review Board review, and Zoning Administrator approval.
- C. Roof drainage systems, excluding scuppers, shall be concealed within the structure, or architecturally integrated with the design of the structure subject Development Review Board review, and Zoning Administrator approval.

Section 25. Adopt the following sections into Article VII. General Provisions., as follows:

Sec. 7.1000. – Cultural Improvements Program.

Sec. 7.1001. Findings and Purpose.

- A. The City Council finds that:
 1. The City has an active and established artistic culture, including the Scottsdale Center for the Arts, Scottsdale Museum of Contemporary Art, gallery district, and a variety of public cultural activities; and
 2. Enhancement of the artistic culture will contribute to the continued vitality and economic, social, and aesthetic well-being of the community, to the benefit of both the private and public sectors; and
 3. Integration of publicly-visible artwork into private development projects will strengthen the City's image as a cultural center, and enhance the urban environment.
- B. The City Council proposes to promote the artistic culture by:
 1. Encouraging collaboration among the city, owners, developers, artists, architects, landscape architects, engineers and other project planners;
 2. Providing means to finance artworks, cultural events and programs in key public areas; and
 3. Granting development bonuses to owners who contribute more to the Cultural Improvements Program than is required in applicable zoning districts.

Sec. 7.1002. Administration.

- A. The Cultural Improvement Program shall be administered by the Zoning Administrator.

- B. The City Council shall enter into an agreement with an organization to review the artwork commissioned for the Cultural Improvement Program. The organization shall be called the Cultural Council for purposes of this article.

Sec. 7.1003. Definitions.

- A. In addition to the definitions of Article III. of the Zoning Ordinance, the definitions in Chapter 20, Article VII. of the Scottsdale Revised Code shall apply to the Cultural Improvement Program.

Sec. 7.1004. General Provisions.

- A. The Cultural Improvement Program contribution shall only be used to pay the cost of artwork.
- B. The Cultural Improvement Program applies to private development projects in zoning districts requiring a Cultural Improvement Program contribution.
- C. For the purposes of the Cultural Improvement Program, the building valuation shall be based on the total valuation of all buildings in a development computed without reductions.
- D. The City Auditor may audit any part of the Cultural Improvement Program, including the owner's itemized account of expenses submitted to the Cultural Council.

Sec. 7.1005. Owner responsibilities.

- A. When an owner participates in the Cultural Improvement Program, the owner shall:
 - 1. Commission and install an original artwork on the property subject to the Cultural Improvement Program contribution, or
 - 2. Pay the Cultural Improvement Program contribution, as follows:
 - a. Into the Downtown Cultural Trust Fund, for property in the Downtown Area, or
 - b. Into the Art in Public Places Account, for property outside the Downtown Area.

- B. After an owner commissions and installs artwork, the owner shall pay any unexpended Cultural Improvement Program contribution into the appropriate fund.

Sec. 7.1006. Disbursement of Cultural Improvement Program contribution.

- A. Disbursement of the Cultural Improvement Program contribution in the Downtown Cultural Trust Fund shall only be used for the cost of artwork on property in the Downtown Area. Disbursement of the Cultural Improvement Program contribution in the Art in Public Places Account may be used for the cost of artwork anywhere in the city. Each disbursement shall comply with the Cultural Improvement Program and be subject to Zoning Administrator approval.
 - 1. Disbursement may be made only after receipt of an itemized account for the artwork, narrative explanation for the request, and any other information requested by the Zoning Administrator.

Sec. 7.1007. Cultural Improvement Program contribution exemptions.

A. The Cultural Improvement Program contribution requirement shall not apply to:

1. Individual tenant improvements; and
2. Alteration of a building for which a Cultural Improvement Program contribution was previously made.

Sec. 7.1008. Artist and artwork selection.

A. The owner shall select the artist and artwork, subject to Chapter 20, Article VII of the Scottsdale Revised Code.

1. The Cultural Council shall verify and approve only an artist and artwork that meet the definitions of Chapter 20, Article VII of the Scottsdale Revised Code.

B. The owner shall select the artist and artwork by one of the following procedures:

1. The owner shall select an independent visual arts professional to assist the owner in selecting the artist and artwork, in accordance with this article; or
2. The owner shall use the Cultural Council to assist in selecting the artist and artwork, in accordance with procedures established by the Cultural Council.

Sec. 7.1009. Art Plan requirements.

A. Conceptual Art Plan

1. The Conceptual Art Plan shall include the following:

- a. The owner(s) and artist(s) names and contact information,
- b. A schematic design and approximate size of the artwork,
- c. A site plan and/or floor plan that identifies the artwork location(s), and
- d. Additional information as required by the Cultural Council.

B. Final Art Plan.

1. The Final Art Plan shall include the following:

- a. The owner(s) and artist(s) names and contact information,
- b. Final design drawings,
- c. Model, unless the Cultural Council waives this requirement, and
- d. Additional information as required by the Cultural Council.

C. Construction documents.

1. The owner shall submit construction documents and related information for the artwork, as determined by the Building Official, to obtain approval and building permits.

Sec. 7.1010. Artwork approval.

A. Before the issuance of the first building permit for the development, the owner shall:

1. Submit and obtain approval of a Conceptual Art Plan from the Cultural Council.

- a. The Cultural Council shall approve, approve with stipulations, or deny the Conceptual Art Plan based on:
 - i. The consistency of the artwork with any applicable adopted public art master plan,
 - ii. The relationship of the artwork to existing artworks within the site or the surrounding areas, and
 - iii. The consistency of the artwork with this article and Chapter 20, Article VII of the Scottsdale Revised Code.
 - iv. The artwork's lack of pornographic content.
- b. The Cultural Council shall not otherwise impose its artistic judgment on the artwork.

2. Submit and obtain approval of the artwork location from the Development Review Board, except as provided in Section 7.1011. All artwork shall be placed in exterior spaces, or applied to the exterior of a building. The exterior artwork shall be visible from a public street or pedestrian area such as a walkway or plaza that has public access dedicated to the City.

- B. Before the issuance of the first certificate of occupancy or letter of acceptance for the development, whichever occurs first, except as provided in Section 7.1011., the owner shall:

1. Submit and obtain approval of a Final Art Plan from the Cultural Council.
2. Submit a copy of the Cultural Council approval of the Final Art Plan to the Zoning Administrator.
3. Submit the original signed Certification of Completion issued by the Cultural Council for the artwork to the Zoning Administrator.

Sec. 7.1011. - Appeals of Cultural Council decisions.

- A. The approval, approval with stipulations, or denial of a Conceptual Art Plan by the Cultural Council shall be final unless:

1. Within 20 days after the Cultural Council's decision, the applicant submits to the City Clerk a written appeal of the Cultural Council's decision; or
2. At the next regularly-scheduled City Council meeting at least 15 days after the Cultural Council's decision, the City Council votes to review the Cultural Council's decision.

- B. The applicant's appeal of the Cultural Council decision shall include a statement of the grounds of the appeal, and the relief requested.

- C. City Council initiation of a review of a Cultural Council decision.

1. At the next regularly-scheduled City Council meeting at least 15 days after the Cultural Council's decision, the City Council shall decide by majority vote of those present whether to review a Cultural Council decision.

2. Within 5 working days after the City Council votes to review the Cultural Council decision, the Zoning Administrator shall notify the applicant of the date and time of the City Council meeting to review the Cultural Council's decision.

D. City Council review of a Cultural Council decision.

1. The City Clerk shall schedule the applicant's appeal, or the City Council review, of a Cultural Council decision on the next regularly-scheduled City Council meeting at least 30 days after the appeal or City Council vote to review.
2. The City Council at its meeting, shall affirm, modify, or reverse the decision of the Cultural Council. The decision of the City Council shall be final.

Sec. 7.1012. Artwork installation, plaque and Certificate of Completion.

- A. The artist or visual arts professional shall supervise the installation of the artwork. Before issuance of the Certificate of Completion, the owner shall install a plaque with the artwork that identifies the:

1. Artwork title;
2. Artist name; and
3. Year of the artwork's installation.

- B. Within 30 days of the installation, the owner shall submit an itemized account of expenses for the artwork and its installation to the Cultural Council. The itemized account is subject to the Cultural Council's review.

- C. After the Cultural Council is satisfied that the artwork, as installed, meets the requirements of this Article, the Cultural Council shall recommend to the Zoning Administrator whether to issue a Certificate of Completion. The Certificate of Completion shall include:

1. A statement that the requirements of this article have been met;
2. The date on which the installation was completed; ~~and~~
3. An itemized account of the expenses incurred by the owner in fulfilling the requirements of this ordinance; and
4. the signatures of the Zoning Administrator and the Cultural Council's designated representative.

- D. A copy of the Certificate of Completion shall be kept in permanent zoning map amendment case file for the development site.

- E. A Certificate of Completion issued in error does not relieve the owner from the requirements of this ordinance.

Sec. 7.1013. Phased and multi-owner developments.

- A. Phased developments.

1. The owner(s) shall obtain a Certificate of Completion for the artwork before the issuance of the first certificate of occupancy for the first phase of development, except as allowed in Section 7.1014.

B. Multi-owner developments.

1. Each owner within a development shall separately comply with this ordinance before the issuance of the certificate of occupancy for the owner's respective portion of the development, except as allowed in Section 7.1013.C. and Section 7.1014.

C. Combination of artwork requirements.

1. The owners of a phased or multi-owner development may combine the artwork requirements for each phase or each owner upon the Cultural Council's approval of a Conceptual Art Plan for the development.
2. The Zoning Administrator may enter into an agreement with the owner(s) regarding combined artwork requirements. The agreement shall be in a form satisfactory to the City Attorney and recorded against the property. The agreement shall include, but not be limited to:
 - a. The owners' artwork requirements,
 - b. The schedule for installing the artwork, and
 - c. The penalties for the owner's breach of the agreement.

Sec. 7.1014. Deferment of artwork.

- A. The Zoning Administrator may enter into an agreement with the owner(s) regarding installing artwork on a deferred schedule. The agreement shall be in a form satisfactory to the City Attorney and recorded against the property. The agreement shall include, but not be limited to:

1. The owner's artwork requirements,
2. The schedule for installing the artwork, and
3. The penalties for the owner's breach of the agreement.

Sec. 7.1015. Maintenance.

- A. Privately-owned artwork installed under the Cultural Improvement Program shall be maintained by the owner, at the owner's expense, in accordance with the Cultural Council's guidelines.
- B. The Cultural Council shall provide the Zoning Administrator a status report regarding the maintenance and condition of all privately-owned artwork installed under the Cultural Improvement Program before July 1 each year.

- C. The owner of artwork may request to remove the artwork for maintenance, accompanied by a schedule for reinstalling the artwork and additional information requested by the Zoning Administrator.

Sec. 7.1016. Replacement of artwork.

- A. At the Zoning Administrator's direction, and at no cost to the City, an owner shall replace artwork that has been removed or has not been maintained in accordance with this ordinance.

- 1. To replace artwork, the owner shall comply with the procedure in this ordinance to install the original artwork. The value of the replaced artwork shall be equal to or greater than the original artwork when installed.

Sec. 7.1017. Conveyance of artwork to the City.

- A. With the City Council's concurrence, the Cultural Council may recommend accepting as a gift to the City, after a two year warranty period, privately-owned artwork installed under the Cultural Improvement Program.

- B. Artwork conveyed to the City shall be:

- 1. Provided at no cost to the City;
 - 2. Gifted in accordance with the Cultural Council's public art collection policies;
 - 3. In a condition acceptable to the Cultural Council, in accordance with its guidelines.
 - 4. Continue to be maintained by the owner in accordance with the Cultural Council's guidelines for two years after the City Council concurs with the Cultural Council's recommendation to accept artwork.
 - 5. Transferred to the City in a form satisfactory to the City Attorney, including provisions to indemnify the City and allow the City to relocate the artwork upon the owner's request; and
 - 6. Accessible to the public, by an easement to the City from the public street to the artwork, for access and maintenance, subject to the Zoning Administrator's approval. The easement shall be in a form satisfactory to the City Attorney and dedicated before the Cultural Council accepts the artwork.

- C. After the two year period, the Cultural Council may accept artwork only if the owner has maintained it in accordance with Cultural Council's guidelines.
- D. If the Cultural Council determines that the artwork has not been maintained in accordance with the Cultural Council's guidelines, the owner shall continue to own and maintain the artwork in accordance with the Cultural Council's guidelines.